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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

JUL 16 2010

BY D. MARK JONES, CLERK  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,	:	INFORMATION
	:	<i>H 2:10-po-00628-RTB</i>
Plaintiff,	:	COUNT I
	:	36 C.F.R. § 4.23(a)(1)
v.	:	OPERATING A VEHICLE UNDER THE
	:	INFLUENCE OF ALCOHOL
ROBERT M. SCHELLSCHMIDT,	:	
	:	COUNT II
	:	36 C.F.R. § 4.23(a)(2)
Defendant.	:	BLOOD/ALCOHOL CONCENTRATION
	:	GREATER THAN 0.08
	:	
	:	COUNT III
	:	36 C.F.R. § 4.2(b) / U.C.A. 1953 § 41-6a-
	:	518.2(3) OPERATING A VEHICLE
	:	WITHOUT A REQUIRED IGNITION
	:	INTERLOCK DEVICE
	:	
	:	Magistrate Judge Robert T. Braithwaite

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The United States Attorney charges:

**COUNT I**  
Class B Misdemeanor

On or about July 10, 2010, in the Central Division of the District of Utah, within Glen  
Canyon National Recreation Area,

**ROBERT M. SCHELLSCHMIDT,**

the defendant herein, was found to be operating a vehicle under the influence of alcohol as described in the Statement of Probable Cause attached and incorporated as though set forth fully herein; all in violation of 36 C.F.R. § 4.23(a)(1).

**COUNT II**  
Class B Misdemeanor

On or about July 10, 2010, in the Central Division of the District of Utah, within Glen Canyon National Recreation Area,

**ROBERT M. SCHELLSCHMIDT,**

the defendant herein, was found to have a blood alcohol concentration greater than 0.08 as described in the Statement of Probable Cause attached and incorporated as though set forth fully herein; all in violation of 36 C.F.R. § 4.23(a)(2).

**COUNT III**  
Class B Misdemeanor

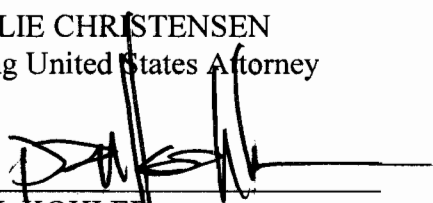
On or about July 10, 2010, in the Central Division of the District of Utah, within Glen Canyon National Recreation Area,

**ROBERT M. SCHELLSCHMIDT,**

the defendant herein, was found to be operating a vehicle without a required ignition interlock device as described in the Statement of Probable Cause attached and incorporated as though set forth fully herein; all in violation of 36 C.F.R. § 4.2(b) / U.C.A. 1953 § 41-6a-518.2(3).

DATED this 14<sup>TH</sup> day of July, 2010.

CARLIE CHRISTENSEN  
Acting United States Attorney

  
\_\_\_\_\_  
PAUL KOHLER  
Assistant United States Attorney

**STATEMENT OF PROBABLE CAUSE**  
(For issuance of an arrest warrant or summons)

I state that on July 10, 20 10, while exercising my duties as a  
law enforcement officer in the \_\_\_\_\_ District of Utah

On July 10, 2010, I, Ranger Noel Rupei was notified by Glen Canyon Communications (GCC) that off-duty Ranger Cole Uphouse noticed a possible DUI at the old Bullfrog Fuel Dock. Ranger Uphouse believed the individual was impaired because of his stumbling while walking and the individual stated, "if I'm not back in 30 minutes, it's because I was arrested for DUI". GCC further told me that the vehicle involved was a white Dodge truck pulling a black 2 axle trailer. As I drove towards the old fuel dock, I noticed a white Dodge truck pulling a black 2 axle trailer driving towards me. I followed the truck to the Bullfrog Launch Ramp and watched it back the trailer into the water. I spoke with the driver, later identified as Robert M. SCHELLSCHMIDT DOB [REDACTED]. While talking with SCHELLSCHMIDT I noticed the odor of an alcoholic beverage coming from SCHELLSCHMIDT's area. SCHELLSCHMIDT was the only occupant in the vehicle. SCHELLSCHMIDT's eyes were bloodshot and watery. I asked SCHELLSCHMIDT if he had been drinking. SCHELLSCHMIDT said "Yes Sir" and when I asked how many, he told me he drank a couple of beers. I waited for SCHELLSCHMIDT's friends to load the boat on the trailer, then asked him to put the truck in park, activate the parking brake, remove the keys, and step out of the vehicle. I asked SCHELLSCHMIDT to walk to the front of my vehicle. I asked SCHELLSCHMIDT to perform Field Sobriety Tests (FSTs) on the metal walkway connecting the courtesy dock to the launch ramp. SCHELLSCHMIDT failed the FSTs, exhibiting 6 clues for the Horizontal Gaze Nystagmus, 2 clues for the Walk and Turn, and one clue for the One Leg Stand. SCHELLSCHMIDT blew a 0.12 in the portable breath test. At approximately 1941 hrs, I arrested SCHELLSCHMIDT for 36CFR 4.23 (a)(1), Operating Under the Influence of Alcohol (citation PQ413180). At approximately 2016 hrs, SCHELLSCHMIDT blew a 0.12 into the Bullfrog District Ranger's Office Intoxilyzer 8000 serial #80-003472.

The foregoing statement is based upon:

- ☒ my personal observation      ☒ my personal investigation  
☒ information supplied to me from my fellow officer's observation  
☐ other (explain above)

I declare under penalty of perjury that the information which I have set forth above at the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 07/10/2010 Noel T. Rupei  
Date (mm/dd/yyyy)      Officer's Signature

Probable cause has been stated for the issuance of a warrant

Executed on: \_\_\_\_\_  
Date (mm/dd/yyyy)      U.S. Magistrate Judge

**STATEMENT OF PROBABLE CAUSE**  
(For issuance of an arrest warrant or summons)

I state that on July 10, 2010 while exercising my duties as a law enforcement officer in the \_\_\_\_\_ District of Utah

On July 10, 2010, I, Ranger Noel Rupel was notified by Glen Canyon Communications (GCC) that off-duty Ranger Cole uphouse noticed a possible DUI at the old Bullfrog Fuel Dock. Ranger Uphouse believed the individual was impaired because of his stumbling while walking and the individual stated, "if I'm not back in 30 minutes it's because I was arrested for DUI". GCC further told me that the vehicle involved was a white Dodge truck pulling a black 2 axle trailer. As I drove towards the old fuel dock, I noticed a white Dodge truck pulling a black 2 axle trailer driving towards me. I followed the truck to the Bullfrog Launch Ramp and watched it back the trailer into the water. I spoke with the driver, later identified as Robert M. SCHELLSCHMIDT DOB(\_\_\_\_\_) At approximately 1941 hrs, I arrested SCHELLSCHMIDT for 36CFR 4.23 (a)(1), Operating Under the Influence of Alcohol (citation PQ413180). GCC informed me that SCHELLSCHMIDT was required to have an ignition interlock device in any vehicle he operated. Ranger Brian Rapier interviewed the registered owner of the truck who told him that the vehicle did not have an ignition interlock device. SCHELLSCHMIDT also told me that the vehicle did not have an ignition interlock device. I charged SCHELLSCHMIDT for 36CFR 4.2(b) UC41-6A-518.2 Operating Vehicle Without Ignition Interlock Device (citation PQ413182).

The foregoing statement is based upon:

- ☒ my personal observation      ☒ my personal investigation  
☒ information supplied to me from my fellow officer's observation  
☐ other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on 07/10/2010  
Date (mm/dd/yyyy)

Noel T. Rupel  
Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: \_\_\_\_\_

Date (mm/dd/yyyy)

U S Magistrate Judge